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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,163	04/25/2002	Albert Modl	MODL3002/JEK	4360

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EXAMINER

ST CYR, DANIEL

ART UNIT PAPER NUMBER

2876

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/030,163

Applicant(s)

MODL ET AL.

Examiner

Daniel St.Cyr

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Receipt is acknowledged of the amendment filed 5/27/03.

***Claim Objections***

2. Claims 2-9 and 11-18 are objected to because of the following informalities:

Claims 2-9 and 14-18, line 1, "A" should be changed to --The--.

Claims 11 and 12, line 1, "An" should be changed to --The--.

Claim 13, line 2, "according to claim 10" should be deleted. The components of the apparatus should be listed.

Claim 18, lines 1-2, "insofar as dependent on claims 12" should be deleted.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen et al, US Patent No. 5,719,950.

Olsen et al disclose a biometric personal authentication system comprising: a fingerprint image sensor 10 inputting data for analysis to computer logic and memory functions 4 for unique, inherently specific identification, and non-specific biometric sensors 24, 26, and 28 with signal process functions 30 inputting information for analysis to computer system 6 to recognize electrocardiogram (EKG), pulse, and blood oxygen saturation for nonspecific

Art Unit: 2876

biometric validation and skin temperature for further optional validation; a fingerprint recognition camera 10; a detector window 42, the detected image is captured and analyzed by image processor 12, developed into a vector array of fingerprint minutiae which is validated by comparator 14 through correlation of the scanned image vector array with the array selected from pre-stored memory file 16. (see figures 1, 7, and col. 6+).

***Response to Arguments***

5. Applicant's arguments filed 5/27/03 have been fully considered but they are not persuasive. (see the examiner remarks).

**REMARKS:**

In response to the applicant's first argument that Osten et al fail to disclose the method of claim 1, the apparatus of claim 10, and the system of claim 13, the examiner respectfully disagrees. It is clearly outlined in the specification and the drawings that the limitations of these claims are anticipated by Osten et al (specially see figure 7 and col. 6).

In response to the applicant's second argument that Osten et al fails to disclose using parameter that influences the sensory detection of the biometric data used to authenticate the individual, the examiner respectfully disagrees. Osten et al teach measures the skin temperature, which influences the sensory detection of the biometric data used to authenticate the individual (see figure 7). The skin temperature is directly related to the person and their biometric data being authentication.

In response to the applicant's third argument that the non-specific biometric parameters do not need to be unique to the individual, the examiner respectfully disagrees. The skin

Art Unit: 2876

Temperature of an individual is unique to the respected individual. The applicants' arguments are not persuasive. Refer to the rejection above.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

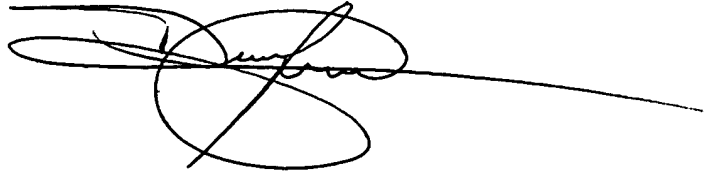
Application/Control Number: 10/030,163

Page 5

Art Unit: 2876

Daniel St.Cyr  
Primary Examiner  
Art Unit 2876

DS  
August 8, 2003

A handwritten signature in black ink, appearing to read 'Daniel St. Cyr', with a long horizontal line extending to the right.